

APPROVED MINUTES

March 10, 2014

Kittery Town Council

Council Chamber

Regular Council Meeting

1. CALL TO ORDER: Chairperson Thomson called the meeting to order at 7:00 p.m.

2. INTRODUCTORY: Chairperson Thomson read the introductory, and said that, before he led everyone in the Pledge of Allegiance, he would like to take a moment of silence to remember a citizen of the community who passed away a couple of weeks ago, Norm Leon, who served on many town boards throughout the years. Chairperson Thomson said that Mr. Leon was an active Korean War veteran who helped to coordinate the town's Memorial Day parade.

There was a moment of silence in memory of Norm Leon.

3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.

4. ROLL CALL: Answering the roll were Councilors Denault, White, Brake, Spiller and Chairperson Thomson.

Chairperson Thomson asked for a unanimous consent by Council to officially excuse Councilor Dennett's absence. All were in favor by a voice vote.

5. AGENDA AMENDMENT AND ADOPTION:

Although not an amendment to the agenda, Councilor Denault had asked the Chair, and Chairperson Thomson agreed to recognize the members of the Traip Academy Robo Rangers, who had won the 2014 State Matchbox Championship. Councilor Denault asked Mr. Boudreau to come to the podium and asked him if he would give a quick rundown of what has happened.

Mr. Boudreau said there are actually two different teams. He said he teaches a Robotics class, and part of the class consisted of competing against teams in the State. He said they came in second place after the qualifying round and this was the first time they ever went to the Championship. He said there were 36 teams they had to compete against and another team who had won 1st place for four years.

Mr. Boudreau said there are 25 kids, four of them non-Traip, either homeschooled, or other areas, and last Thursday and Friday, at UNH was the qualifying round for the regionals in Boston. He said again there were 36 teams; many are strong, as this is an international competition, and they came in second place. He said they are going up to Lewiston, the second competition, and the combined points from those competitions will determine whether or not they go to Boston.

Mr. Boudreau said there are five seniors who are graduating and pursuing an engineering degree, one is waiting to hear from MIT, two going to WPI, one going to UMass Lowell, and one going to UMO. He said out of 18 seniors, 17 have gone on for engineering, and one wants to be an auto mechanic. Everyone present gave them a round of applause.

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Mr. Boudreau said he runs a weekly CAD Drafting Design class at night, from September to January and also a Java program. He said the chassis designed in his CAD drafting class, the auto desk version, is used at the Shipyard and was designed by Ryan who is 14. He said Java is a difficult program and this is the first year they had it running well. He said that Jacob is also 14 and has done most of the work. He said Traip kids are writing code at a Sophomore level of college and that everyone is amazed. He said they certainly do not get recognition.

Mr. Boudreau said that now that they have had their names in the paper twice, they are everyone's best friend. He said it is a great program and he would argue it is the most important one.

Councilor Denault asked each of the members to stand up and give their name, which they did. All present gave them a round of applause.

Councilor Denault said he would like to recognize them and get the team to Anaheim and he would start this by donating \$200 toward their trip, which is what he has earned thus far, being on Council. He challenged others to help them reach their goal.

Mr. Boudreau said that members of the community have been very supportive of their trip to Anaheim.

6. TOWN MANAGER'S REPORT:

Town Manager Colbert Puff said that the Chair had requested a report on the debt limit calculation, which is at 1.37% of the overall actual valuation while our statutory debt limit is 15%. She said that we are under the statutory debt limit by approximately \$182 million.

Town Manager Colbert Puff said this winter has been very challenging on the FY 2014 Snow Removal budget, and she has provided a summary, which shows storm-related expenses. She said that they are overspent on overtime and there is one quarter left in the salt shed. She said the regular overtime budget account is healthy and she should be able to balance out the Highway budget.

Town Manager Colbert Puff said the next item is FEMA Flood Insurance Map Changes Status and read from her report: this week, the House of Representatives voted in a significant majority to support a bill (the Homeowner Flood Insurance Affordability Act) already passed by the Senate at the end of January to mitigate the impact on increased insurance premiums on flood insurance holders by capping the allowable premium increase at 18% per year.

Town Manager Colbert Puff said the appeal process has been delayed past the beginning of March. She said she had hired a consultant to look at the maps to see how the town of Kittery fared and an incorrect methodology was used for Seavey and Gerrish Islands. She said he can file an appeal on behalf of the Town for an estimated fee for \$20,000 and that individual owners may also file an appeal.

Town Manager Colbert Puff added that she had spoken with a staff member of Senator King's office regarding filing the appeal and was told they are working on legislation to recoup the appeal costs if successful. She stated that Senator Collins has also wrote a letter to FEMA stating that successful methodology should be allowed to ensure equal treatment.

Town Manager Colbert Puff said she is trying to arrange for FEMA and the State Flood Plain Coordinator to come to a meeting. She said they are working with the consultant who identified the map is not correct and he is an expert on both inland and coastal flood plain maps. Town Manager Colbert Puff said the Planning Department is continuing to look for someone to assist.

Town Manager Colbert Puff said that she has been in touch with the former Public Works Director regarding developing a capital improvement project for improvements to Memorial Field.

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Town Manager Colbert Puff spoke with Supt. Hutton to review the school budget and while their expenses are up 1.78%, their overall tax appropriation request to the town is 1.5%.

Town Manager said she was very sorry to hear of Norm Leon's passing. She said she had met with him twice to discuss Veteran-related issues and it is her understanding that he had served the town in a variety of capacities over the years.

Town Manager Colbert Puff said that due to Norm's passing, and the fact that the Chair, Vern Gardner has served his three consecutive three-year terms, there is no quorum. She said that Duncan McEachern has been away, but Heather has asked him if Vern can continue to serve until a successor can be found.

Town Manager Colbert Puff was happy to report that the Standard & Poor's Bond rating for the town had gone up to AA+. She added that the Finance Director, Cindy Saklad, has done a wonderful job.

Town Manager Colbert Puff wanted to give a quick update on the transfer of management of John Paul Jones Park from the State. She heard that the DOT told the Bureau of Parks and Lands they want to release their option on the park and once the Bureau of Parks and Lands receives that, they will prepare an agreement for our review. She said they need a 2/3 vote of the Legislature and ownership will not take place until late 2015. She said management will start as soon as the formal transfer has happened.

Town Manager Colbert Puff said that, regarding the BIG project, the Public Works crew will work on Bellamy Lane, starting on March 17th for two weeks and will be installing the utilities and at that point digging the ditch.

Chairperson Thomson said he had made an appeal at the last Council meeting for individuals to step up and volunteer for the boards, especially with Norm's passing and the situation with the Board of Appeals. He said maybe they could schedule a Saturday, between 9 am and 10:00 am where chairs from various boards could be on hand to discuss what the roles are for their boards and Council members could be on hand to describe the appointment process to residents who may walk in and want to sign up to volunteer.

Chairperson Thomson asked if the Town Manager could send an e-mail to the Board Chairs and give them a couple of Saturday dates for them to get back to her and let her know which date they are available.

Councilor Spiller suggested the Kittery website and residents could get the application online. She said that testimonies could be posted online too.

Chairperson Thomson said the School Committee is meeting tomorrow night and he is uncomfortable with the School Committee putting in this request. He said they met in workshop and made it clear to them there would be no more than 1.5% in spending. He said the budget is built on the spending side and they are on a very slippery slope building on the revenue side, and in the long term, they could run into difficulty.

Chairperson Thomson said they have to develop a discipline in establishing the budget and he will not be voting to move the School budget forward. He said he will see what the revenues look like when they have the information before them and they can make some decisions then. He said they have to start where they agreed, however, at 1.5%.

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Councilor Denault said he reviewed the history and Council Chair Barth was interested in this. He said the Chair of the School Committee agreed to 1.5% at the beginning of the process and Councilor Denault is not for it (the increase). He said additional revenues that are coming in can go toward that.

Councilor White said he would like to hear an explanation on what the deviation is based on.

Councilor Brake said they agreed they would come in at 1.5% with a supplemental list that identified what items would have to be eliminated to get to that so we asked for that piece. He said it is 1.5% and he is not going to consider anything else beyond that figure.

Councilor Spiller said she supports the 1.5%, but she is interested in hearing the specifics of the budget.

Chairperson Thomson asked the Town Manager if she would please convey their comments to Superintendent Hutton and she said she would.

Councilor Denault said speaking about snow removal, he has received e-mails and phone calls with positive feedback on the way the sidewalks and roads that were questionable have been cleared and it is a testament to how well they are being done.

7. ACCEPTANCE OF PREVIOUS MINUTES:

Chairperson Thomson declared the minutes of February 10, 2014 accepted as amended and the minutes of February 24th and the Special Meeting of March 3, 2014, accepted as presented.

8-10:

Chairperson Thomson said there were no interviews this evening, nor were there any items involving the town attorney, employees, consultants or other requested officials and there were no public hearings.

11. DISCUSSION:

a. By members of the public (3 minutes per person)

Mr. Robert Harris came to the podium and said the overtime for snow removal would be helped if Public Works worked five days.

Chairperson Thomson said that Public Works is on a five day workweek, and just the administrative/ clerical staff work four days.

Bob Harris said if they know the snow storm is coming on a weekend, they should give the plow drivers a day off during the week, and this way there would be no overtime.

Chairperson Thomson said they could try that with the labor negotiations, and see how it goes.

Mr. Barry Fitzpatrick wanted to thank Councilor Denault for his agenda in televising all the town Board and Committee meetings. He said the response he has received regarding the School Budget was excellent, especially the replay. He said there was a problem with audio during the meeting, but the replay on Thursday was informative, and at times, entertaining. He hoped that continued coverage will be forthcoming for these meetings.

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Town Manager Colbert Puff said they are committed to covering the School Committee meetings, live on Channel 22.

Councilor White asked if the meetings are also on the web. Town Manager Colbert Puff responded yes.

Councilor White asked if the meetings were archived. Town Manager Colbert Puff replied yes.

Councilor Denault asked if they could see a schedule on Channel 22. He said now when someone goes to Channel 22, it just says 22, but maybe we could get a better-looking TV Guide or a calendar that lets everyone know about the meetings.

Town Manager Colbert Puff said that she is happy to report that when you schedule a program, it moves on to the schedule on Channel 22.

Councilor Denault thanked the Town Manager for her work on Channel 22.

12. UNFINISHED BUSINESS: None

13. NEW BUSINESS:

a. Donations/gifts received for Council disposition - none

b. (030114-1) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Thomson read the following amounts: Town Accts. Payable = \$154,838.09; two Sewer Payable = \$17,408.66; three School Payable = \$344,067.71, for a grand total of \$516,768.91. He asked Councilor Brake if he had reviewed the town warrants and were they in the proper format, which Councilor Brake stated that he had. Chairperson Thomson said he had reviewed the school warrants and found them to be in the proper format as well.

IT WAS MOVED BY CHAIRPERSON THOMSON, AND SECONDED BY COUNCILOR SPILLER TO APPROVE THE DISBURSEMENT WARRANTS. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 5-0.

c. (030114-2) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview Michael Morrison for his re-appointment to that board as an associate member until 03/26/17.

CHAIRPERSON THOMSON MOVED TO WAIVE COUNCIL RULES FOR AN INTERVIEW AND TO RE-APPOINT MICHAEL MORRISON TO THE PARKS COMMISSION AS AN ASSOCIATE MEMBER UNTIL MARCH 26, 2017, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN, WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

d. The Kittery Town Council moves to appoint Suzanne Sayer to the Registration Appeals Board until 4/23/15, as nominated by the Democratic Committee, to fill the unexpired term of Norman Leon.

Chairperson Thomson asked if there was an appointment form. He said that Council has an e-mail from the Chair of the Democratic Committee, Don Hands in their packet.

IT WAS MOVED BY COUNCILOR SPILLER, SECONDED BY COUNCILOR BRAKE, TO APPOINT SUZANNE SAYER TO THE REGISTRATION APPEALS BOARD UNTIL 4/23/15, TO FILL THE UNEXPIRED TERM OF NORMAN LEON. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

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e. (030114-4) The Kittery Town Council moves to discuss expanding the scope and charge of the Shared Services Committee, as presented by Councilors Denault and Spiller.

Councilor Spiller requested that this item be postponed until the Monday, March 17th workshop, and that it is one of the items which would be discussed. Chairperson Thomson said that Council will not take action on this item this evening.

f. (030114-5) The Kittery Town Council moves to give authorization for a full Military Honor Ceremony, including a 21 gun salute, to be held at the Thresher Memorial Park behind the Town Office, on July 4th, from 10:00 a.m. to 11:00 a.m.

Chairperson Thomson said that Council had the request from Rhonda Pomerleau in their packets. He asked the Town Manager if the town staff had any concerns. Town Manager Colbert Puff replied no.

IT WAS MOVED BY COUNCILOR DENAULT, AND SECONDED BY COUNCILOR SPILLER, TO AUTHORIZE A FULL MILITARY HONOR CEREMONY, INCLUDING A 21 GUN SALUTE, TO BE HELD AT THE THRESHER MEMORIAL PARK BEHIND THE TOWN OFFICE, ON JULY 4TH FROM 10:00 A.M. TO 11:00 A.M. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

g. (030114-6) The Kittery Town Council moves to approve a request from Kent Allyn (Race Director) to hold the Arthur Martin Memorial Regatta rowing race on Saturday, July 12th at 10:00 a.m. at Fort Foster and to allow their entrance into the park at 8:00 a.m. to set up the pavilion they have rented for this event.

Chairperson Thomson said Council receives this request each year about this time and that a copy of the e-mail from Kent Allyn is in their packet.

IT WAS MOVED BY COUNCILOR SPILLER, SECONDED BY COUNCILOR BRAKE TO APPROVE THE REQUEST FROM KENT ALLYN TO HOLD THE ARTHUR MARTIN MEMORIAL REGATTA ROWING RACE ON SATURDAY, JULY 12TH AT 10:00 A.M. AT FORT FOSTER AND TO ALLOW THEIR ENTRANCE INTO THE PARK AT 8:00 A.M. TO SET UP THE PAVILION. ROLL CALL VOTE WAS TAKEN, WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

h. (030114-7) The Kittery Town Council moves to release funds in the amount of \$1,000 from unassigned surplus and to deposit said funds into account #101740-68427 – Expense Self-Insurance Claims Coverage to cover the cost of the deductible for an insurance claim.

Councilor Denault asked what it was for. Town Manager Colbert Puff replied it was for the police cruiser.

Councilor Denault wanted to know why are we paying for this when the investigation is not concluded. Town Manager Colbert Puff responded that this \$1,000 is the deductible and will apply given the outcome of the investigation.

Councilor Denault said he is not happy with that. Chairperson Thomson said eventually the town may be reimbursed, but it could be awhile.

Councilor Denault asked the Town Manager if she would keep an eye on that because it is not their fault and he felt we should not be paying a cent.

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IT WAS MOVED BY COUNCILOR SPILLER, SECONDED BY COUNCILOR BRAKE TO RELEASE THE FUNDS IN THE AMOUNT OF \$1,000 AND DEPOSIT INTO ACCOUNT 101740-68427, EXPENSE SELF INSURANCE CLAIMS COVERAGE TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM. ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENAULT VOTING IN THE AFFIRMATIVE, WITH A POINT AND COUNCILORS WHITE, SPILLER, BRAKE AND CHAIR THOMSON, VOTING IN THE AFFIRMATIVE. MOTION PASSED 5-0.

i. (030114-8) The Kittery Town Council moves to release funds in the amount of \$1,000 from unassigned surplus and to deposit said funds into account #4043-43600 Parks, Buildings and Grounds to cover the cost of the deductible for an insurance claim.

Councilor Denault said the former Public Works Supt. spent money on the octoscopes, and the other one got taken down and is not being used, and asked why is the town spending \$1,000 to replace the other one and said that this is nuts.

Chairperson Thomson said, according to the original invoice, in October 2012, when it came in the price was \$3700.

Councilor Denault said that's \$4000 and wanted to know why the other one is worth \$8,000. He said he has an issue with that.

Councilor Spiller asked do we know if it will be replaced.

Town Manager Colbert Puff replied she did not know of a plan to replace it, but she will make sure it does not get replaced. She said she believes it is just a request for stolen property.

Councilor Denault wanted to confirm that we are not spending \$1,000.

Town Manager Colbert Puff replied no, this is an insurance claim for stolen merchandise and the town has to pay the deductible to be reimbursed. She said this is not an order for equipment.

Councilor Denault wanted to know if the town was making out on the deal.

Town Manager Colbert Puff responded yes. Councilor Denault said that he changed his mind.

IT WAS MOVED BY COUNCILOR SPILLER, SECONDED BY COUNCILOR BRAKE, TO RELEASE THE FUNDS IN THE AMOUNT OF \$1,000 AND TO DEPOSIT INTO ACCOUNT #4043-43600 PARKS, BUILDINGS AND GROUNDS TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 5-0.

14. COUNCILOR ISSUES OR COMMENT

Councilor Denault thanked Council for indulging him tonight in recognizing the Robo Rangers. He said it was on the spur of the moment and he appreciated the entire Council's patience. He said some of these kids are moving on to Worcester Polytechnic Institute and MIT and some of the kids could be running robots sitting on Mars some day.

Councilor Denault said the teacher needs help and that is why he donated \$200 from what he has earned so far on Council. He wanted to point out that other Councilors donate their money to charities, but he is putting forth a challenge to everyone out there in TV land. He said if you can beat his \$200 go ahead, because these kids need money for the trip.

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Councilor Denault said he does not know who currently has the Boston Post Cane. He believes the previous recipient passed away. He also stated a resident of Kittery Estates, who turned 108 on February 8th is probably the oldest resident. He said that he does not know of anyone else and she should be next in line to be awarded the cane.

Councilor Denault thanked Debbie McDermott for the article she wrote in the Portsmouth Herald and for getting the word out that the State of Maine is notifying people they have money. He said he put this information on the website. He said so far he has received 4008 hits for Kittery alone. He said it is surprising how many people have money coming to them, for the town, Shapleigh School, Traip Academy, the Kittery Fire Dept. He said just click on the name and search and that dollar is yours, you might as well get it.

Chairperson Thomson stated that he was sure Maryann Place has a record on the Boston Post Cane and the actual source of where it needs to go.

Councilor Brake said he spoke with the Town Manager about the cable and broadcasting from different places. He said he would like to help and get it done within 30 days. He said they could go to the Fire Dept. or the Community Center and broadcast from those stations, since the town is paying for it.

Chairperson Thomson said the equipment is already placed in those locations.

Councilor Brake wanted to know how the search was going for another Director of Public Works.

Town Manager Colbert Puff replied they are currently in the process of conducting second interviews.

Councilor White said regarding the Board of Appeals, the rules say someone can continue serving until they are replaced, but it may be in conflict with the Charter.

Councilor Denault thought that during the vote, the Town Attorney did say they could serve until a successor was appointed.

Chairperson Thomson said by Charter, the terms are limited to three consecutive three-year terms.

Chairperson Thomson asked if the Town Manager could provide an update on the Whipple Road Sidewalk Project that was first discussed in 2007. He said that work was conducted on easements, but he wanted to get some idea of where we are at this point.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson:

Chairperson Thomson stated there will be a workshop on Monday, March 17th, beginning at 6 o'clock to discuss the Town Manager's goals for the next fiscal year, from 6:30-7:15 the discussion on the Shared Services proposal, as well as Councilor Denault has a couple of initiatives for review, and from 7:15-8:15, the Planning Board has a number of issues they would like to bring to Council.

Chairperson Thomson said they may not finish Monday evening, and the discussion would be continued to the first Monday in April, the 7th. He said he would like to do this every couple of months, to choose a few items to discuss in a less formal setting than a Council meeting.

Chairperson Thomson said that on March 19th there will be a Foreign Juvenile Worker Visa Exchange and students who work for these businesses either from other States or other places, could attend the meeting. He said the individuals are encouraged to come as well as anyone else and that invitations have been sent to the businesses which employ these young people.

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Chairperson Thomson said that on Thursday, March 27th, Randy Price will be speaking about his career in broadcasting at the Community Center Star Theater at 7 p.m. and it is free admission.

b. Committee Reports:

Councilor Brake said he is the Chair of the Recycling Scholarship Selection Committee, which starts March 15th and applications will be accepted through April 15th. He invited all seniors from Traip, and any student, homeschooled, to apply - all they have to be is a Kittery resident.

He said he will let them know he will be visiting the Guidance Counselors at Traip to get the word out and asked the Town Manager to post this on the website.

16. EXECUTIVE SESSION – none

17. ADJOURNMENT

IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR DENAULT TO ADJOURN THE MEETING AT 7:55 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 5-0.

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